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PEROT SYSTEMS CORPORATION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

E-filing
ORIGINAL FILED

JUL 10 2008

RICHARD W. WIEKING
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ANGELITA GOMEZ, individually, and on
behalf of all others similarly situated,

Plaintiff,

v.

PEROT SYSTEMS CORPORATION, a
Delaware Corporation, and DOES 1 to 50,
inclusive,

Defendants.

Case No.:

NOTICE OF PENDENCY OF OTHER
ACTION OR PROCEEDING

(Filed in conjunction with Notice of
Removal)

TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA, PLAINTIFF ANGELITA
GOMEZ, AND ALL PARTIES AND COUNSEL OF RECORD ON THE ATTACHED

CERTIFICATE OF SERVICE:

PLEASE TAKE NOTICE: Defendant Perot Systems Corporation ("Perot Systems")
filed a Notice of Removal of this action (the "Gomez Complaint") in the United States District
Court for the Northern District of California on July 10, 2008, and this action involves all or a
material part of the same subject matter and all or substantially all of the same parties as other
actions pending in federal and state court. Pursuant to Civil Local Rule 3-13, Defendant asserts:

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The Jimenez Complaint

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2 1. On July 12, 2007, Gloria Jimenez, on behalf of herself and a putative class, filed a
3 class action complaint (the "Jimenez Complaint") in the Superior Court of the State of California
4 for the County of Alameda, designated as Case No. RC 07-335321. The Jimenez Complaint
5 alleges the following causes of action against Perot Systems and Does 1 to 50: Failure to pay
6 overtime, failure to pay accrued vacation, failure to provide itemized wage statements, unlawful
7 business practices, and injunctive and declaratory relief.

8 2. On July 16, 2007, Jimenez served Perot Systems with the Summons and
9 Complaint in that action.

10 3. On May 23, 2008, Perot Systems removed the Jimenez Complaint from the
11 Superior Court of the State of California for the County of Alameda to the United States District
12 Court for the Northern District of California, pursuant to 28 U.S.C. sections 1332 (as amended by
13 the Class Action Fairness Act of 2005, Pub. L. 109-2, section 4(a) ("CAFA")), 1441(a) and (b)
14 and 1446.

15 4. On June 18, 2008, Jimenez moved this Court to remand the Jimenez Complaint to
16 the Alameda County Superior Court. That motion is set for hearing on August 8, 2008 at 9:00
17 a.m., in the Courtroom of the Honorable Maxine M. Chesney, Judge of the United States District
18 Court, Northern District of California.

19 **The Mancera Complaint**

20 5. On April 29, 2008, Raul Mancera, on behalf of himself, filed a class action
21 complaint (the "Mancera Complaint") in the Superior Court of the State of California for the
22 County of Santa Cruz, designated as Case No. CV 160155. The Mancera Complaint alleges the
23 following causes of action against Perot Systems and Does 1 to 50: Failure to pay wages, failure
24 to pay overtime, recovery of waiting time penalties, meal and rest period violations, and
25 retaliation.

26 6. On May 28, 2008, Mancera served Perot Systems with the Summons and
27 Complaint in that action.

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7. On June 24, 2008 Perot Systems removed such action to the United States District Court for the Northern District of California.

Relatedness Of Actions

8. The Gomez Complaint, the Jimenez Complaint and the Mancera Complaint involve all or a material part of the same subject matter and all or substantially all of the same parties as follows:

- i. Each action alleges wage and hour violations under the California Labor Code;
- ii. Perot Systems is the only named Defendant in each action;
- iii. The putative classes of the Gomez Complaint and the Jimenez Complaint overlap temporally and because each complaint alleges failure to pay overtime, recovery of waiting-time penalties, failure to provide itemized wage statements and unfair and unlawful business practices (17200); and
- iv. Plaintiff Raul Mancera may be a putative class member of either or both other actions as his employment and allegations coincide with those of the classes alleged in the Jimenez Complaint and the Gomez Complaint.

Dated: July 10, 2008

JACKSON LEWIS LLP

By: 

JoAnna L. Brooks
Timothy C. Travelstead
Douglas M. Bria
Attorney for Defendant
PEROT SYSTEMS CORPORATION,
a Delaware Corporation

CERTIFICATE OF SERVICE

I, Linda Moore, declare that I am employed with the law firm of Jackson Lewis LLP, whose address is 199 Fremont Street, 10th Floor, San Francisco, California 94105; I am over the age of eighteen (18) years and am not a party to this action.

On July 10, 2008, I served the attached document(s):

NOTICE OF PENDENCY OF OTHER ACTION OR PROCEEDING

in this action by placing true and correct copies thereof, enclosed in sealed envelope(s) addressed as follows:

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☐ **BY MAIL:** United States Postal Service - by placing sealed envelopes with the postage thereon fully prepaid, placed for collection and mailing on this date, following ordinary business practices, in the United States mail at San Francisco, California.

☐ **BY HAND DELIVERY:** I caused such envelope(s) to be delivered by Messenger Service to the above address[es].

☒ **BY OVERNIGHT DELIVERY:** I caused such envelope(s) to be delivered to the above address within 24 hours by OVERNIGHT EXPRESS service.

1 [] BY FACSIMILE: I caused such documents to be transmitted by facsimile to the
2 telephone number(s) indicated above.

3 I declare under penalty of perjury under the laws of the United States that the above is
4 true and correct.

5 Executed on July 10, 2008, at San Francisco, California.
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9 LINDA A. MOORE
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